IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.384 OF 2006

S.B. Bhat & Ors. ....Appellants
V/s.
C.S. Lele & Ors. ....Respondents

Mr.M.V. Limaye for the Appellants.

CORAM : S.J. VAZIFDAR, J.
DATED : 23RD AUGUST, 2007.

P.C. :

1. It is not possible to state that the Appeal Court reduced the claim for compensation by 50% on no basis whatsoever. For instance in paragraphs 16 and 17, the Appeal Court has considered the status/condition of the building and come to the conclusion that it was old and dilapidated and that therefore, the rent which could have been recovered would be 50% that of a new building.

2. It is not possible in the Second Appeal to enter into such disputed question of fact when no question of law arises.

3. In the circumstances, the finding of the

Appeal Court that the Plaintiffs/Appellants are entitled to Rs.40,000/- and Rs.80,000/- does not call for any interference.

4. Hence the Second Appeal is dismissed.